

LBNL – PROCUREMENT STANDARD PRACTICES

Section: 4 Administrative Matters

Subject: 4.9 Contract Review Board

PURPOSE:	This standard practice (SP) establishes the procedures for internal review of procurement actions by the Contract Review Board (CRB).
POLICY:	An independent panel of procurement personnel shall review procurement actions covered under <i>Scope</i> , below, prior to award, to assess the integrity of the procurement process and ensure compliance with procurement policies and procedures.
SCOPE:	<p>This SP applies to:</p> <ul style="list-style-type: none">• Solicitations and awards exceeding \$500,000, involving selection based on other than lowest evaluated price;• Competitive solicitations, subcontracts, and modifications of \$1,000,000 or more (including options);• All procurement actions that require DOE approval (see <i>Exceptions</i>, below); and• Any procurement action requiring review as requested by the Procurement Manager or Procurement Supervisor based on complexity and risk.
Exceptions	<p>The following procurement actions do not require CRB review at any dollar level:</p> <ul style="list-style-type: none">• Orders to government agencies (see SP 8.2, <i>Government Sources – General</i>);• DOE Contractor Orders (see SP 8.4, <i>Orders with DOE M&O Contractors</i>);• Intra-University Transactions (see SP 44.1, <i>Intra-University Transactions</i>);• Exceptions to standard clauses requiring DOE approval (see SP 52.1, <i>Exceptions to Terms and Conditions</i>);• Funding actions or modifications to exercise options included in the original CRB award review, provided no changes in subcontract provisions or scope of work have been negotiated in the interim; or• Subcontract awards if the solicitation was reviewed under a CRB, and the award is for lowest responsive offer which does not deviate from the provisions of the solicitation.

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DEFINITIONS:

Procurement Action A procurement action, as used herein, is a solicitation, subcontract, purchase order, supplemental agreement, modification, letter subcontract, change order, or task order.

PROCEDURES:

Contents of CRB Packages The CRB procurement action package shall be organized in a logical, subcontract file sequence accompanied by copies of the following:

- *Meeting Agenda* (Exhibit 4.9.a); and
- *Completed Procurement `Supervisor Review Report/CRB Worksheet* (Exhibit 4.9.b).

When procurement actions do not require DOE approval, the procurement specialist may elect to provide electronic copies of the review documents to the CRB members via email and provide hard copies of only the *Procurement Supervisor Review Report /CRB Worksheet* form and the *CRB Meeting Agenda*. When using electronic review, one extra hard copy of the review documents must be made available to the CRB members during the CRB meeting.

Composition of the CRB The CRB members shall be appointed by the Procurement Manager and shall consist of procurement supervisors and procurement specialists. The Procurement Manager will either serve as CRB Chairperson or designate a procurement supervisor to serve as CRB Chairperson. Additional representatives may be invited to review a procurement action when particular expertise is warranted, (e.g., legal, finance, programmatic, etc.). The DOE Contracting Officer may also be invited to attend the CRB meeting as an observer on packages requiring DOE approval.

Scheduling of CRB Meeting Procurement action packages must be submitted to the Department Administrator who will make appropriate distribution to the CRB Chairperson, CRB members, and the DOE Contracting Officer (if applicable) at least two working days prior to the formal CRB review meeting. For example, for a Wednesday CRB meeting the procurement action package must be submitted by close of business on the previous Friday, assuming there are no interim holidays. If the package is not submitted at least two full working days prior to the scheduled CRB meeting, the meeting may need to be rescheduled.

The procurement specialist shall:

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- Coordinate scheduling of the CRB meeting,
- Prepare the *CRB Meeting Agenda* (see Exhibit 4.9.a), and
- Provide copies of the procurement action package and *CRB Meeting Agenda* to the Department Administrator for distribution to the CRB members and the DOE Contracting Officer (if applicable), for review prior to the CRB meeting.

Procurement Supervisor Review

The Procurement Supervisor shall review the procurement action package prior to submission to the CRB. The Procurement Supervisor shall complete a *Procurement Supervisor Review Report/CRB Worksheet* (Exhibit 4.9.b) describing any findings and, collaborating with the Procurement Specialist, note recommended solutions. After appropriate changes are made, the report shall be submitted with the procurement action package for CRB review. As determined appropriate by the procurement specialist or Procurement Supervisor, any recommended solutions may be retained for discussion with the CRB.

Emergency Reviews

If an emergency review is needed to meet deadlines or to avoid price increases, the need for such review may be discussed with the Procurement Manager. In cases of exceptional urgency, CRB procedures may be expedited in whatever manner necessary to meet a critical schedule, upon approval of the Procurement Manager.

CRB Meeting

The CRB Chairperson shall conduct the CRB meeting and document the results of each review on the *CRB Minutes* form (Exhibit 4.9.c, *CRB Minutes*). If the CRB Chairperson is the Procurement Manager, he/she may designate a procurement supervisor to document the results on the *CRB Minutes* form. The *CRB Minutes* shall provide a complete record of the CRB comments raised, recommendations, and resolutions reached during the meeting.

The CRB Chairperson may assign individual CRB members lead roles in the review of specific portions of the procurement action package and may establish how the individual CRB members will present their comments during the meeting. The comments may be presented by each CRB member one at a time or the CRB may go through the procurement action package section by section, with CRB members raising comments during discussion of the appropriate sections.

The procurement specialist may elect to present a brief chronological history of the procurement action at the CRB meeting and participate in discussions related to the solicitation, negotiation, and source selection processes including, but not

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limited to, the following:

- Presolicitation review of the proposed source selection plan and/or evaluation criteria and proposed solicitation;
- Review of the proposed source selection decision, down-select decision, or competitive range determination; and
- Pre-award review of the cost/price analysis, negotiations, and other applicable pre-award requirements.

Unless authorized in advance by the Procurement Manager, the CRB review must be conducted before the procurement action is submitted for Procurement approval.

CRB Actions

Any issues that need to be clarified, discrepancies that need to be corrected, and questions that need to be answered will be addressed in the CRB Minutes.

If findings are identified by the CRB, the procurement specialist must correct all errors and resolve all findings, prepare revised documents and present them to the CRB Chairperson for final review. The CRB Chairperson will review the response and all corrective actions taken. If all findings were resolved, the CRB Chairperson will annotate concurrence by approving and signing the CRB Minutes.

The CRB Chairperson will return the original, signed CRB Minutes and any associated documentation to the procurement specialist. Originals will be retained in the subcontract file. The Department Administrator will be provided with a copy of the CRB Minutes for the master file.

Control of CRB Documents

The Department Administrator shall maintain control of all CRB meeting agendas and approved *CRB Minutes* in the CRB master file, and present the prior year's *CRB Minutes* to the Procurement Manager for review in accordance with the Procurement System Evaluation Plan.

DOE Review

Procurement actions may not be submitted to DOE for approval prior to CRB review. A copy of the *CRB Minutes* must be included in any submission package to DOE.

REVIEWS/ APPROVALS:

Procurement Supervisor

The Procurement Supervisor must review all CRB packages prior to submission to the CRB.

CRB

The CRB must conduct pre-award reviews of all transactions

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covered under *Scope*, above.

RESPONSIBILITIES:

**Procurement
Manager**

The Procurement Manager shall:

- Establish CRB review thresholds and set the schedule and format for CRB meetings.
- Approve the expediting of a CRB review, and
- Either serve as the CRB Chairperson, or designate a procurement supervisor to serve as the CRB Chairperson.

CRB Chairperson

The CRB Chairperson shall:

- Conduct CRB meetings;
- Prepare CRB Minutes (if the CRB Chairperson is the Procurement Manager, he/she may designate a procurement supervisor to prepare the CRB minutes);
- Review corrections made to the procurement action package and approve the CRB Minutes;
- Annotate concurrence with the corrective actions taken in the CRB Minutes.

CRB Members

CRB members shall:

- Review the procurement action package prior to the CRB meeting; and
- Attend the CRB meeting and present comments during the meeting.

These responsibilities apply even in cases where a CRB action is expedited.

**Department
Administrator**

The Department Administrator shall:

- Prepare necessary copies of the procurement action packages received from the Procurement Specialist for distribution to CRB members and, if applicable, the DOE Contracting Officer prior to the CRB meeting;
- Distribute the *CRB Meeting Agenda* to CRB members and, if applicable, the DOE Contracting Officer;
- Assist in preparation of *CRB Minutes* and maintain the CRB master file; and
- Maintain control of all *CRB Meeting Agendas* and approved *CRB Minutes*, and present the prior year's *CRB Minutes* to the Procurement Manager for review in accordance with the Procurement System Evaluation Plan.

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**Procurement
Supervisor**

The Procurement Supervisor shall:

- Review all CRB packages prior to submission to the CRB; and
- Complete the *Procurement Supervisor Review Report/CRB Worksheet*, describing any findings and recommended solutions.

**Procurement
Specialist**

The procurement specialist shall:

- Coordinate the scheduling of CRB review meetings;
- Prepare *CRB Meeting Agendas*;
- Prepare CRB procurement action packages for the Group Administrative Assistant to distribute to the CRB members and, if applicable, the DOE Contracting Officer following the above guidelines;
- Obtain CRB review of the procurement actions covered under *Scope*, above;
- Resolve all issues, questions, and discrepancies identified by the CRB before a procurement action is submitted for approval; and
- Retain a copy of the *CRB Minutes* and associated documentation in the subcontract file.

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Exhibit: 4.9.a CRB Meeting Agenda



CFO/Procurement

March 4, 1999

MEMORANDUM

To: Distribution

From:

Subject: **CRB Meeting Agenda**

The following procurement actions will be reviewed at the next CRB Meeting scheduled for _____ at B _____.

<u>Action #</u>	<u>Type</u>	<u>Subject</u>
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Please review the attached package(s) and complete the enclosed review worksheets prior to the meeting.

Please review the document enclosed with the corresponding email notice and complete the enclosed review worksheets prior to the meeting. A copy of the peer review comments is also enclosed.

Distribution:

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PROCUREMENT SUPERVISOR REVIEW REPORT / CRB WORKSHEET

Date:_____

Description of Action:_____

Subcontract / P.O. #:_____ Type Action:_____

Subcontract Type:_____ Value:_____

Subcontractor:_____ Term / Delivery:_____

Scope of Subcontract / P.O.:_____

Document Reference	Findings	Proposed Resolution

Subject:	4.9	Contract Review Board
Exhibit:	4.9.b	Procurement Supervisor Review Report/CRB Worksheet

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Exhibit: 4.9.c CRB Minutes

CRB MINUTES

Date: _____

DESCRIPTION OF ACTION:

Subcontract / P.O. #: _____

Type Action: _____

Subcontract Type: _____

Value: _____

Subcontractor: _____

Term / Delivery: _____

Scope of Subcontract / P.O.: _____

MEMBERS PRESENT:

CRB Chairperson:

Team Leaders:

Procurement Specialist / Buyer:

Legal (as required):

VERIFICATION

The undersigned has verified that all changes required by the Resolutions of these Minutes have been made:

Date:

Signature (CRB Chairperson)

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Document Reference	Findings	Required Resolutions